IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Application No. 10/797,382

Confirmation No. 3246

Applicant: Marian TRINKEL et al.

Filed: March 10, 2004

TC/AU: 2626

Examiner: Jakieda R. Jackson

Docket No.: 810406 (Client Reference No. 2002P00160 US)

Customer No.: 95683

APPELLANTS' REPLY BRIEF

Mail Stop Appeal Brief – Patents   April 23, 2012
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In support of the appeal from the final rejection dated August 16, 2011, Appellants'
now submit a Reply Brief to the Examiner's Answer dated February 23, 2012. It is
respectfully requested that the Remarks beginning on the following page of this Reply Brief
be considered together with all of the arguments presented in the Appeal Brief filed on
December 21, 2011.

REMARKS

Applicants' Appeal Brief filed on December 21, 2011 presented arguments that any combination of Ittycheriah and Brodsky, to the extent proper, fails to disclose or suggest speaking the vocabulary data to the speech recognition system in an automated manner using the audio module so as to expand the vocabulary database, as required by Applicant's independent claim 1, or that the speech data is spoken into the vocabulary database in an automated manner using the audio module so as to expand the vocabulary database, as required by Applicants' independent claim 16. In response, the Examiner's Answer dated February 23, 2012 asserted that "[f]igure 1, element 26 of Ittycheriah is replaced with Brodsky's figure 1, element 102 using KSR (simple substitution of one known element for another to obtain predictable results)." See Examiner's Answer, Pages 10 and 11. It is respectfully submitted, however, that 1) this proposed modification of Ittycheriah is improper and that, 2) in any case, it would not arrive at the foregoing features of independent claims 1 and 16.

First, it is respectfully submitted that "the predictable result" discussed in the U.S. Supreme Court's *KSR* decision encompasses the expectation that prior art elements are capable of being combined, as well as the expectation that the combination would have worked for its intended purpose. See Teaching Point Example 4.6, *Examination Guidelines Update*, Federal Register, Vol. 75, No. 169. Here, the output device (figure 1, element 26) of Ittycheriah is an output device which merely displays an input word to a user, not an input device through which words can be provided to expand a vocabulary database. See Ittycheriah, col. 5, lines 35-39. Therefore, it is respectfully submitted that the simple substitution of the output device 26 of Ittycheriah with the content extractor (figure 1, element 102) of Brodsky would not provide for input of any data to a vocabulary database and cannot provide the alleged predictable result of expanding the database of Ittycheriah in a streaming and automated fashion (see Examiner's Answer, page 10).

Second, it is respectfully submitted that the Examiner's Answer dated February 23, 2012 does not address Applicants' arguments that neither Ittycheriah, nor Brodsky discloses or suggests speaking vocabulary data into a vocabulary database using an audio module. Rather, the Examiner's Answer merely asserts that "Ittycheriah teaches providing the audio modules with vocabulary data and speaking, which is in a speech synthesis format, the vocabulary data to the speech recognition system using the audio module so as to expand the

vocabulary database" and that "[s]ince Ittycheriah's figure 1, element 22 (vocabulary expansion processor) is already in a format that is synthesized, it would have been obvious to one of ordinary skill in the art to substitute Ittycheriah's output device with Brodsky's content extractor." See Examiner's Answer, page 10 and 11. However, even assuming that the content extractor 102 of Brodsky is capable of providing 'words' to the vocabulary expansion processor 22 of Ittycheriah, it is respectfully submitted that these 'words' would not be spoken into a vocabulary database using an audio module as required by claims 1 and 16. Contrary to the assertion in the Examiner's Answer, it is respectfully submitted that Ittycheriah *does not* teach speaking vocabulary data into a vocabulary database using an audio module. While the previous rejections have not indicated which component of Ittycheriah is being interpreted as corresponding to the recited audio module, Ittycheriah merely describes that new words can be input by a particular user speaking the words to the speech utterance pre-processor 12 or at input 24 through input into a standard keyboard. See Ittycheriah, col. 4, lines 17-20 and col. 5, lines 31-34. Once input, the words are broken down into a sequence of phonetic units (presented to and evaluated by the vocabulary expansion processor *in a text format*) and added to the database only where the sequence of phonetic units will not produce acoustic confusion with existing words. See Ittycheriah, col. 6, lines 13-30 and col. 8, lines 5-61. It is respectfully submitted that Ittycheriah nowhere discloses or suggests the words *being spoken by a computer-based audio module* to expand a vocabulary database as required by claims 1 and 16. It is further respectfully submitted, as set forth in Applicants' Appeal Brief filed on December 21, 2011 (see, for example, page 10), Brodsky merely describes inputting words by the content extractor into the buffer vocabulary in text, and therefore likewise fails to disclose or suggest words *being spoken by a computer-based audio module* to expand a vocabulary database as required by claims 1 and 16. Thus, even if the content extractor of Brodsky were to be somehow included in Ittycheriah, this combination would not provide the computer-based audio module recited in claims 1 and 16.

For the foregoing reasons, it is respectfully submitted that 1) the proposed combination of Ittycheriah and Brodsky is improper and that, 2) even when assuming the combination is possible, the Examiner has still failed to present a *prima facie* case of obviousness of independent claims 1 and 16.

CONCLUSION

For the foregoing reasons in combination with the reasons presented in the Appeal Brief filed December 21, 2011, it is respectfully submitted that the rejections of claims 1, 3 and 7-17 should be reversed. Appellants respectfully request that the application be remanded to the Primary Examiner with instructions to withdraw the rejections under 35 U.S.C. § 103, and pass the case to allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 12-1216.

Respectfully submitted,

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